

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>STEFANO VITO MANICOTO,</b> <b>Petitioner</b>	:	<b>CIVIL ACTION</b>
	:	
	:	
<b>v.</b>	:	<b>NO. 08-4347</b>
	:	
<b>FRANKLIN L. TENNIS, et al.,</b> <b>Respondents</b>	:	
	:	

**ORDER**

**STENGEL, J.**

**AND NOW**, this 9th day of July, 2009, upon careful and independent consideration of the petition for a writ of *habeas corpus* (Document #1), and after review of the Report and Recommendation of United States Magistrate Judge, Timothy R. Rice, it is hereby **ORDERED**:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**;
2. The petition for a writ of *habeas corpus* is **DENIED** with prejudice;
3. There is no probable cause to issue a certificate of appealability;
4. The Clerk of Court shall mark this case **CLOSED** for statistical purposes.

BY THE COURT:

/s/ Lawrence F. Stengel  
LAWRENCE F. STENGEL, J.